



Testimony of
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Judiciary Committee Hearing
March 2, 2016

**HB 5400 AN ACT CONCERNING THE DISCLOSURE OF CERTAIN EDUCATION
PERSONNEL RECORDS**

Good afternoon Senator Coleman, Representative Tong and members of the Judiciary Committee. My name is Jan Hochadel and I am the President of AFT Connecticut, a diverse state federation of more than 90 local unions representing more than 30,000 public and private sector employees. Our members include more than 15,000 teachers, paraprofessionals, school nurses and other school personnel across the state. It is on their behalf that I submit written testimony on HB 5400.

We applaud the Committee's effort protect the health and safety of children in our public schools and we understand the intent of HB 5400. The bill however, as written, is overreaching and leaves many unanswered questions that need to be addressed. There also appears to be an assumption that school employees are guilty, rather than innocent before proven guilty.

This bill requires applicants for Board of Education positions and former Board of Education employers to inform if an applicant was investigated or charged with sexual misconduct, unless such allegations were proven false, but the bill is silent on who decides if allegations were proven false. Is it the former employer or the Department of Children and Families? There is no mention as to who will be the final arbiter to decide if allegations have been substantiated. What if the teacher resigns prior to a finding?

This bill prohibits any local Board of Education from entering into any agreement allowing for records to be taken out of a personnel file or otherwise not disclosed. This will limit the ability of employees and employers from negotiating separation agreements and could potentially result in a flood of teacher termination hearings.

HB 5400 also looks to redefine "sexual misconduct" as well as "abuse." These new definitions are overly expansive and have already been defined by existing DCF statutes, 17a-101k, DCF regulations and operational definitions.

The bill also does not seem to apply to state charter schools. I would urge the committee to hold all schools, including state and local charter schools, to the same standards.

We urge the committee to review these questions and others posed by HB 5400. We welcome an opportunity to work with the proponents of this bill to find the right balance between protecting students and respecting the rights of innocent teachers. Thank you.